

REMARKS

In the official action, the Examiner indicated claims 1-6 and 15 are allowable, and that claims 9-14 have allowable subject matter. Claims 7 and 8 were rejected over prior art as anticipated and on the basis of double patenting or obviousness.

The allowance of most claims in this case is appreciated. With the amendments made to the claims, it is believed that claims 11-14 overcome the Examiner's objections/rejections and should be allowed, and that all of claims 7-10 are allowable over the prior art and none should be rejected on the basis of double patenting.

The first paragraph of claim 11 is modified, and the wording now clearly recites what is being claimed. The improvement is defined as being included in a system of the prior Hallsten patent, in essentially the first six lines of claim 11, and the improvement is stated as comprising a series of flow distribution platform modules, etc., with each flow distribution platform module including a series of components as recited. In the case of the dependent claims under claim 11, the language of the reference back to claim 11 is amended to overcome the Examiner's rejection.

Claim 7 was rejected as anticipated by prior Hallsten Patent No. 6,255,102. However, particularly as now amended, claim 7

defines an improved system over that of the '102 patent. Claim 7 recites elements and features which are not present in the '102 patent and which clearly were not contemplated by the disclosure of that patent.

The '102 patent shows in Figure 2 a series of directional vanes 74 that can be connected to the support legs 48 that hold up the bed of filter or compost material. These vanes are described as being oriented appropriately to generally evenly distribute the gas within the plenum under the support bed, in essence baffling the air flow. It is stated that the vanes may be connected to the legs by molding them integrally with the legs (molding is misspelled as "holding" in the patent), or the vanes can be attached onto the legs. Note that the legs are underneath the bed platform module and, once the bed platform has been assembled, the vanes connected to the legs are necessarily fixed in place and non-adjustable. The patent also states that pairs of vanes preferably are positioned on a leg at 180°-opposed locations as shown in Figure 2.

The '102 patent does not show or discuss forming a flow distribution channel space beneath the series of modules, and the patent most certainly does not disclose or suggest the flow distribution platform modules having adjustable means for closing, to a degree as desired, the flow channel space at each platform module. The patent shows fixed vanes that are not

adjustable as to opening or closing (although they may be adjusted orientationally prior to completion of the assembly). In many of the spaces, as shown in Figure 2 of the patent, the vanes are positioned on legs that are widely spaced apart, so that the space between the vanes is left in a very open condition, not closable in any sense.

These distinctions of the invention are now emphasized by amendments to claim 7, where, in subparagraph (f) the adjustable means is further stated as being for closing to a desired degree between substantially closed and substantially fully open, the flow distribution channel space from the rest of the plenum at sides of each of the flow distribution platform modules. This is not disclosed in, suggested in or even possible with the structure that is shown and described in the '102 patent.

The language added to claim 7, although different in wording from the words used in the specification, merely describes what is shown in Figure 3 and described in the specification. See, for example, page 6, line 10 through page 7, line 14. In that passage various degrees of opening of the slide gates are discussed, including completely blocking the side space and other positions as shown in Figure 3.

The '102 patent describes equipment (vanes) and a method for directing or distributing the flow of gases in the plenum, and states that these vanes could be adjusted as desired "on erection

of the filtration support, to deflect the moving gases.” Deflection and baffling of the moving gas is the intent. The patent does not discuss creating a flow distribution channel under the bed platform, and, as discussed at page 5 of the current specification, the prior patent failed to address the need for a system that allows adjusting for proper air distribution after erection of the modular support structure so the gas distribution can be tuned to maximize even distribution by actual testing, done after the structure is fully erected.

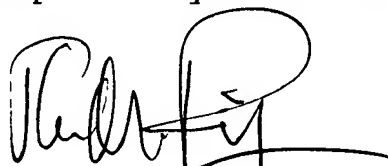
Claim 7, although not specific about the ability to make adjustments to the degree of closure of each channel space from outside the erected modular support system, does define an adjustable closing means that allows closure of such side space of the recited channel between the substantially closed position and substantially fully opened position, which is in no way contemplated by the disclosure of the '102 patent (claim 7 also distinguishes by the flow distribution channel). Note that dependent claim 8 defines that the closure means has a manual adjustment to vary the degree of closure at each side of each flow distribution platform module from above the modular support system once erected. Claim 9 depends from claim 8 and recites more specifically the slots and slide gates of the preferred embodiment shown in the drawings. Claims 9 and 10 were indicated as having allowable subject matter in any event.

Because of the distinctions pointed out above, it is clear that claim 7 is not shown or suggested by the '102 patent, and does not encompass what is recited in claims 6, 7, 28 and 29 of the '102 patent; those claims do not fall entirely within the scope of claim 7 because claim 7 recites features that are not present in the claims (and not in the disclosure) of the '102 patent. Thus, claim 7 is neither anticipated by nor subject to a double patenting rejection over the '102 patent.

Moreover, because of the strong differences of claims 7 and 8 and the improvements made over the prior '102 patent by the structure defined in these two claims, neither claim 7 nor claim 8 could fairly be said to be obvious over the '102 patent or the '102 patent in combination with the Dunbar reference (merely showing openable/closeable vanes and floor aerators).

All of claims 1-15 are now believed allowable, and allowance is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Freiburger', with a large, stylized loop at the end.

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